

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

GARY A. LAVITE,

Plaintiff,

v.

Case No. 3:17-cv-01275-JPG-GCS

JOHN LAKIN, *et. al*,

Defendants.

**MEMORANDUM AND ORDER**

**J. PHIL GILBERT, DISTRICT JUDGE**

This matter comes before the Court on the Report and Recommendation (“Report”) (ECF No. 79) of Magistrate Judge Donald G. Wilkerson with regard to the plaintiff’s failure to appear at his show-cause hearing. The Court may accept, reject, or modify—in whole or in part—the findings or recommendations of the magistrate judge in a report and recommendation. FED. R. CIV. P. 72(b)(3). The Court must review *de novo* the portions of the report to which objections are made. *Id.* “If no objection or only partial objection is made, the district court judge reviews those unobjected portions for clear error.” *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999).

Here, the Court has received no objection to the Report. The Court has reviewed the entire file and finds that the Report is not clearly erroneous. Accordingly, the Court:

- **ADOPTS** the Report in its entirety (ECF No. 79);
- **DISMISSES** this case **WITH PREJUDICE** for the plaintiff’s failure to prosecute; and
- **DIRECTS** the Clerk of Court to enter judgment accordingly.

**IT IS SO ORDERED.**

**DATED: FEBRUARY 4, 2019**

*s/ J. Phil Gilbert*  
**J. PHIL GILBERT**  
**U.S. DISTRICT JUDGE**